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REMARKS

The Examiner has withdrawn the allowability of claims 1-18 in view of some of the Assignee's patents and co-pending applications.

This application has a domestic priority date of May 8, 2001 (this application is a divisional application of Serial No. 09/850,797, now United States Patent No. 6,769,431, issued on August 3, 2004 (this has been updated in the priority claim in the application).

Claim 1 was rejected provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 7, 9 and 10 of United States Patent No. 6,662,802. Claims 1, 11 and 17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5 and 7-9 of copending Application No. 10/649,938. Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2, 4 and 12 of copending Application No. 10/684,917.

United States Patent No. 6,662,802, Application No. 10/649,938 and Application No. 10/684,917 have an earliest United States filing date of June 21, 2001 (United States Patent No. 6,662,802 is the parent of Application No. 10/649,938; and United States Patent No. 6,662,802 is the parent of Application No. 10/684,917). Thus, United States Patent No. 6,662,802, Application No. 10/649,938 and Application No. 10/684,917 have a filing date after the filing date of this application. Therefore, Applicants submit that a Terminal Disclaimer is not required. Reconsideration and withdrawal of the rejection is requested.

Applicants' attorney, Linda Palomar, telephone the Examiner repeatedly in June and July to discuss this matter, but a response was not received.

If such Terminal Disclaimers are necessary to advance the application to issuance, then Applicants would be willing to provide same upon a further explanation from the Examiner as to why same is required.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated:

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